

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------------|---|---------------------|
| SHIRLEY A. FITZPATRICK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 4:07CV01467 FRB |
| |) | |
| v. |) | |
| |) | |
| |) | |
| SCHNUCK MARKETS, INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This cause is before the Court, sua sponte, upon review of the file. All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

This cause was referred to Alternative Dispute Resolution (ADR) - Mediation, and an ADR conference was held on April 15, 2008. In accordance with Local Rule 6.05(B), designated neutral Gerard F. Hempstead filed with the Court an ADR Compliance Report indicating that the parties achieved settlement at the ADR conference. Thereafter, on April 28, 2008, this Court entered an Order passing this cause for settlement, and directing the parties to file with this Court a written settlement agreement, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment, no later than May 28,

2008. (Docket No. 34.) This Court cautioned that failure to timely comply with the Order without good cause shown would result in the dismissal of this action with prejudice. To date, the parties have filed nothing in response.

Accordingly, in light of the failure of the parties to comply with this Court's April 28, 2008 Order, or demonstrate good cause for such failure,

IT IS HEREBY ORDERED that this cause is **DISMISSED** with prejudice.

A handwritten signature in cursive script, reading "Frederick R. Buckles".

FREDERICK R. BUCKLES
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of June, 2008.